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13  
14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 COMPUTER SCIENCES CORPORATION,

17 Plaintiff,

18 v.  
19 COGNIZANT TECHNOLOGY SOLUTIONS  
U.S. CORPORATION, JOHN MAGUIRE, and  
20 DOES 1-10, inclusive,

21 Defendants.

CASE NO. 3:15-cv-00267-HDM- VPC

**PLAINTIFF'S PROPOSED DISCOVERY  
PLAN AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

22 Pursuant to Local Rule 26-1(d), Plaintiff submits this Proposed Discovery Plan and  
23 Scheduling Order in the above-referenced matter.

24 **I. The Parties' Positions:**

25 **Plaintiff's position:** Plaintiff intends to pursue discovery immediately. Plaintiff, therefore,  
26 files this Proposed Discovery Plan and Scheduling Order and requests that the Court enter it as an  
27 order of the Court.

1           **Defendants' position:** In conference with Plaintiff's counsel, Defendants take the position  
2 discovery should not begin, and a proposed discovery plan and scheduling order should not be filed  
3 or considered, until after the Court rules on their pending Motion to Dismiss [Dkt. #5, 9].  
4 Defendants do not stipulate to any of the statements and proposed dates in this submission.  
5

6 **II. Information Required by Federal Rule 26(f):**

7           **A. Initial Disclosure and Conference of the Parties -**

8           Plaintiff proposes that the parties will confer pursuant to Fed.R.Civ.P. 26(f) and LR 26-1(d),  
9 prior to June 26, 2015. Based on the status of this case, Plaintiff proposes that the parties complete  
10 their initial disclosures, pursuant to Fed.R.Civ.P. 26(a)(1), on or before July 10, 2015.  
11

12           **B. Scope of Discovery -**

13           Plaintiff states that, consistent with Fed.R.Civ.P. 26 and local rules, discovery may be  
14 conducted on all discoverable matters that are relevant to, or otherwise reasonably calculated to lead  
15 to the discovery of admissible evidence concerning, the issues raised by Plaintiffs' Complaint and/or  
16 any subsequent pleading. Plaintiff does not believe that any changes should be made to the  
17 limitations on the scope of discovery imposed under the Federal Rules of Civil Procedure or Local  
18 Rules.  
19

20           **C. Changes in the Timing, Form, or Requirements for Disclosures -**

21           The parties have conferred. Defendants are taking the position that any and all discovery  
22 submissions are premature. Plaintiff proposed that disclosures be made as set forth above.  
23

24           **D. Electronically Stored Information: Stipulated -**

25           Plaintiff does not believe there will be any issues concerning disclosure or discovery of  
26 electronically stored information or the form in which it should be produced. If a dispute arises,  
27 Plaintiff will attempt to meet and confer to attempt to reach informal resolution before raising such  
28 issues with the Court.

1           **E. Privilege -**

2           Plaintiff does not believe there will be any issues concerning claims of privilege and/or  
3 protection of trial preparation materials. Plaintiff agrees to be bound by Federal Rule of Evidence  
4 502 regarding the disclosure of privileged material or work product. Further, Plaintiff  
5 acknowledges and agrees that while each party is taking reasonable steps to identify and prevent  
6 disclosure of any document which they believe is privileged, given the volume and nature of  
7 material being exchanged, there is a possibility that certain privileged material may be produced  
8 inadvertently. Accordingly, Plaintiff agrees that a party who produces a document protected from  
9 disclosure by the attorney-client privilege, attorney work product doctrine or any other recognized  
10 privilege ("privileged document") without intending to waive the claim of privilege associated with  
11 such document may promptly, meaning within fifteen (15) days after the producing party actually  
12 discovers that such inadvertent disclosure occurred, amend its discovery response and notify the  
13 other party that such document was inadvertently produced and should have been withheld. Once  
14 the producing party provides such notice to the requesting party, the requesting party must promptly,  
15 meaning within seventy-two (72) hours, return the specified document(s) and any copies thereof.  
16 By complying with this obligation, the requesting party does not waive any right to challenge the  
17 assertion of privilege and request an order of the Court denying such privilege.

18           **F. Pre-trial Conference: Stipulated -**

19           Plaintiff agrees that a party representative need not appear at any pretrial conference  
20 scheduled by this Court and request that this Court enter an order reflecting the same.

21           **G. Request Orders -**

22           No orders are requested to be entered pursuant to Fed.R.Civ.P.26 (c), 16(b), or 16(c), at this  
23 time, other than those included in this Proposal or the Local Rules of this District Court.

1       **III. Information Required by LR 26-1(e): Plaintiff's submission only**

2           **A. Discovery Cut-off Date**

3           Defendants first appeared in this action on May 20, 2015. Pursuant to Fed. R. Civ. P. 16 and  
4           26 and Local Rule 26(e)(1), Plaintiff proposes that the last day for discovery shall be **November 16,**  
5           **2015.**

7           **B. Amending the Pleading and Adding Parties**

8           Pursuant to LR 26-2(e)(2), Plaintiff proposes that the last day to file a motion to amend the  
9           pleadings or to add parties shall be **August 18, 2015** (90 days before the discovery cut-off date).  
10          Any party causing additional parties to be joined or brought into this action shall contemporaneously  
11          therewith cause a copy of this Order to be served upon the new party or parties.

13           **C. Experts**

14          Pursuant to LR 26-1(e)(3), Plaintiff proposes that the last day for disclosures required by  
15          Fed.R.Civ.P. 26(a)(2) regarding expert witnesses shall be **September 17, 2015** (60 days before the  
16          discovery cut-off date), and the last day for disclosures regarding rebuttal experts shall be **October**  
17          **19, 2015** (32 days after the initial disclosure of experts; October 17, 2015, the 30th day after the  
18          disclosure of initial experts, is a Saturday).

20           **D. Dispositive Motions**

21          Pursuant to LR 26-1(e)(4), Plaintiff proposes that the last day for filing dispositive motions,  
22          including but not limited to motions for summary judgment, shall be **December 16, 2015** (30 days  
23          after the discovery cut-off date).

25           **E. Pretrial Order**

26          Pursuant to LR 26-1(e)(5), and (6), Plaintiff proposes that the last day to file a joint pretrial  
27          order (including Fed.R.Civ.P. 26(a)(3) disclosures and objections) shall be **January 15, 2016** (30  
28          days after the date set for filing dispositive motions). Plaintiff further proposes that the parties

1 exchange drafts of their Fed.R.Civ.P. 26(a)(3) disclosures ten (10) days before the joint pretrial  
2 order is due, on **January 5, 2016**, to allow the disclosures and objections required under  
3 Fed.R.Civ.P. 26(a)(3), to be submitted simultaneously, in the pretrial order, pursuant to Local Rule  
4 26-1(e)(6).

5  
6 In the event dispositive motions are filed, Plaintiff proposes that the last day to file the Joint  
7 Pretrial Order shall be suspended until thirty (30) days after the service of the relevant order(s).

8 **IV. Additional Deadlines: Plaintiff's submission only**

9           **A. Interim Status Report-** Pursuant to LR 26-3 Plaintiff proposes that the parties submit  
10 an interim status report on or before **September 17, 2015** (60 days before the discovery cut-off  
11 date).

12 Dated: June 15, 2015

FENNEMORE CRAIG, P.C.

13  
14  
15 By: /s/ Shannon S. Pierce  
16 Ann Morgan, Esq.  
17 Shannon S. Pierce, Esq.  
18 Attorneys for Plaintiff

19 **IT IS SO ORDERED.**

20  
21 By: \_\_\_\_\_  
22 U.S. MAGISTRATE JUDGE

Dated: \_\_\_\_\_

23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of FENNEMORE CRAIG, P.C., and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the attached PLAINTIFF'S PROPOSED DISCOVERY PLAN AND SCHEDULING ORDER (SPECIAL SCHEDULING REVIEW REQUESTED) on the parties set forth below by:

Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices

Certified Mail, Return Receipt Requested

Via Facsimile (Fax)

\_\_\_\_ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

Federal Express (or other overnight delivery)

XX E-service effected by CM/ECF

addressed as follows:

DATED this 15<sup>th</sup> day of June, 2015

/s/ Denise M. Lenaburg  
An employee of FENNEMORE CRAIG, P.C.